

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Charlene P. Kelley,

Civil No. 18-1149 (DWF/DTS)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Capella University,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated September 28, 2018. (Doc. No. 17.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Judge David T. Schultz's September 28, 2018 Report and Recommendation (Doc. No. [17]) is **ADOPTED**.
2. Capella University's Motion to Dismiss (Doc. No. [4]) is **GRANTED**.
3. This action is **DISMISSED WITHOUT PREJUDICE**. Plaintiff has 30 days from the date of this Order to file a new complaint.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: October 22, 2018

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge